

**U.S. District Court
Eastern District of Missouri (St. Louis)
CIVIL DOCKET FOR CASE #: 4:18-cv-00010-JAR**

Barber et al v. Express Courier International, Inc. et al
Assigned to: District Judge John A. Ross
Cause: 28:1331 Fed. Question: Fair Labor Standards

Date Filed: 01/03/2018
Date Terminated: 01/21/2020
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff

Frank Barber

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Plaintiff

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Plaintiff

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V.

Defendant

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Defendant

EMP LSO Holding Corporation

represented by **Andrew Joseph Butcher**
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Designation: Retained

*Bar Status: Phv***Mary Anne Mellow**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Retained**Bar Status: Active***Narcisa Przulj**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Retained**Bar Status: Active***Adam Carl Smedstad**

(See above for address)

*PRO HAC VICE**ATTORNEY TO BE NOTICED**Designation: Retained**Bar Status: Phv***Emily Allison Quillen**

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Email All Attorneys
(will not send to terminated parties)

Email All Attorneys and Additional Recipients
(will not send to terminated parties)

Date Filed	#	Docket Text
01/03/2018	<u>1</u>	COMPLAINT against defendant EMP LSO Holding Corporation, Express Courier International, Inc. with receipt number 0865-6312587, in the amount of \$400 Jury Demand,, filed by Frank Barber, Cassandra Jackson. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Original Filing Form, # <u>3</u> Summons Express Courier International, Inc., # <u>4</u> Summons EMP LSO Holding Corporation)(Donelon, Brendan) (Entered: 01/03/2018)
01/03/2018	<u>2</u>	NOTICE OF PROCESS SERVER by Plaintiffs Frank Barber, Cassandra Jackson Process Server: Hatfield Process Service (Donelon, Brendan) (Entered: 01/03/2018)
01/03/2018	<u>1</u>	Case Opening Notification: 2 Summons(es) issued. The summons was emailed to Brendan J. Donelon. All non-governmental organizational parties (corporations, limited liability companies, limited liability partnerships) must file Disclosure of Organizational Interests Certificate (moed-0001.pdf). Judge Assigned: Honorable John A. Ross. (MFG) (Entered: 01/03/2018)
01/11/2018	<u>3</u>	AMENDED COMPLAINT against defendant EMP LSO Holding Corporation, Express Courier International, Inc. 01/03/2018 Summons(es) issued, Jury demand, , filed by Frank Barber, Cassandra Jackson.(Donelon, Brendan) (Entered: 01/11/2018)

02/06/2018	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice Joshua Lee West. The Certificate of Good Standing was attached.(Filing fee \$100 receipt number 0865-6368896) by Plaintiffs Frank Barber, Garland Edmonds, Cassandra Jackson. (Attachments: # <u>1</u> Certificate of Good Standing State of Arkansas)(West, Joshua) (Main Document 4 replaced on 2/7/2018) (CLO). (Entered: 02/06/2018)
02/22/2018	<u>5</u>	ENTRY of Appearance by Mary Anne Mellow for Defendants EMP LSO Holding Corporation, Express Courier International, Inc.. (Mellow, Mary Anne) (Entered: 02/22/2018)
02/22/2018	<u>6</u>	ENTRY of Appearance by Narcisa P. Symank for Defendants EMP LSO Holding Corporation, Express Courier International, Inc.. (Symank, Narcisa) (Main Document 6 replaced on 2/23/2018) (KKS). (Entered: 02/22/2018)
02/22/2018	<u>7</u>	DISCLOSURE OF ORGANIZATIONAL INTERESTS CERTIFICATE by Defendant Express Courier International, Inc.. Parent companies: EMP LSO HOLDING CORPORATION, Subsidiaries: NONE, Publicly held company: NONE,. (Symank, Narcisa) (Entered: 02/22/2018)
02/22/2018	<u>8</u>	DISCLOSURE OF ORGANIZATIONAL INTERESTS CERTIFICATE by Defendant EMP LSO Holding Corporation. Parent companies: NONE, Subsidiaries: NONE, Publicly held company: NONE,. (Symank, Narcisa) (Entered: 02/22/2018)
02/26/2018	<u>9</u>	Docket Text ORDER: Re: <u>4</u> MOTION for Leave to Appear Pro Hac Vice Joshua Lee West. The Certificate of Good Standing was attached.(Filing fee \$100 receipt number 0865-6368896) by Plaintiffs Frank Barber, Garland Edmonds, Cassandra Jackson. (Attachments: # <u>1</u> Certificate of Good Standing State of Arkansas)(West, Joshua) ; ORDERED GRANTED. Signed by District Judge John A. Ross on 2/26/18. (JAB) (Entered: 02/26/2018)
03/05/2018	<u>10</u>	WAIVER OF SERVICE Returned Executed filed by Frank Barber, Cassandra Jackson, Garland Edmonds Express Courier International, Inc. waiver signed on 3/2/2018, answer due 5/1/2018. (Donelon, Brendan) (Entered: 03/05/2018)
03/05/2018	<u>11</u>	WAIVER OF SERVICE Returned Executed filed by Frank Barber, Cassandra Jackson, Garland Edmonds EMP LSO Holding Corporation waiver signed on 3/2/2018, answer due 5/1/2018. (Donelon, Brendan) (Entered: 03/05/2018)
04/16/2018	<u>12</u>	MOTION for Leave to Appear Pro Hac Vice Andrew J. Butcher. The Certificate of Good Standing was attached.(Filing fee \$100 receipt number 0865-6488702) by Defendants EMP LSO Holding Corporation, Express Courier International, Inc.. (Attachments: # <u>1</u> Exhibit A – List of Courts, # <u>2</u> Certificate of Good Standing)(Butcher, Andrew) (Entered: 04/16/2018)
04/17/2018	<u>13</u>	Docket Text ORDER: GRANTING <u>12</u> MOTION for Leave to Appear Pro Hac Vice Andrew J. Butcher by Defendants EMP LSO Holding Corporation, Express Courier International, Inc... Signed by District Judge John A. Ross on 4/17/18. (KKS) (Entered: 04/17/2018)
04/17/2018	<u>14</u>	MOTION for Leave to Appear Pro Hac Vice Emily A. Quillen. The Certificate of Good Standing was attached.(Filing fee \$100 receipt number 0865-6491209) by Defendants EMP LSO Holding Corporation, Express Courier International, Inc.. (Quillen, Emily) (Entered: 04/17/2018)
04/17/2018	<u>15</u>	Docket Text ORDER: GRANTING <u>14</u> MOTION for Leave to Appear Pro Hac Vice Emily A. Quillen filed by EMP LSO Holding Corporation, Express Courier International, Inc.. Signed by District Judge John A. Ross on 4/17/18. (KKS) (Entered: 04/17/2018)
04/17/2018	<u>16</u>	MOTION for Leave to Appear Pro Hac Vice Adam C. Smedstad. The Certificate of Good Standing was attached.(Filing fee \$100 receipt number 0865-6491635) by Defendants EMP LSO Holding Corporation, Express Courier International, Inc.. (Attachments: # <u>1</u> Exhibit A – List of Courts, # <u>2</u> Certificate of Good Standing)(Smedstad, Adam) (Entered: 04/17/2018)
04/18/2018	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice Charles Andrewsavage. The Certificate of Good Standing was attached.(Filing fee \$100 receipt number 0865-6492056) by Defendant Express

Courier International, Inc.. (Attachments: # 1 Certificate of Good Standing Supreme Court of Illinois, # 2 Exhibit List of Courts)(Andrewscavage, Charles) (Entered: 04/18/2018)

04/18/2018	<u>18</u>	Docket Text ORDER: GRANTING <u>16</u> MOTION for Leave to Appear Pro Hac Vice Adam C. Smedstad by Defendants EMP LSO Holding Corporation, Express Courier International, Inc.. ; GRANTING <u>17</u> MOTION for Leave to Appear Pro Hac Vice Charles Andrewscavage by Defendant Express Courier International, Inc... Signed by District Judge John A. Ross on 4/18/18. (KKS) (Entered: 04/18/2018)
05/01/2018	<u>19</u>	MOTION to Dismiss Case <i>FOR FAILURE TO STATE A CLAIM</i> by Defendants EMP LSO Holding Corporation, Express Courier International, Inc.. (Symank, Narcisa) (Entered: 05/01/2018)
05/01/2018	<u>20</u>	MEMORANDUM in Support of Motion re <u>19</u> MOTION to Dismiss Case <i>FOR FAILURE TO STATE A CLAIM</i> filed by Defendants EMP LSO Holding Corporation, Express Courier International, Inc.. (Attachments: # <u>1</u> Exhibit A)(Symank, Narcisa) (Entered: 05/01/2018)
05/08/2018	<u>21</u>	RESPONSE in Opposition re <u>19</u> MOTION to Dismiss Case <i>FOR FAILURE TO STATE A CLAIM</i> filed by Plaintiffs Frank Barber, Garland Edmonds, Cassandra Jackson. (West, Joshua) (Entered: 05/08/2018)
05/15/2018	<u>22</u>	REPLY to Response to Motion re <u>19</u> MOTION to Dismiss Case <i>FOR FAILURE TO STATE A CLAIM</i> filed by Defendants EMP LSO Holding Corporation, Express Courier International, Inc.. (Symank, Narcisa) (Entered: 05/15/2018)
06/19/2018	<u>23</u>	NOTICE of Supplemental Authority re <u>19</u> MOTION to Dismiss Case <i>FOR FAILURE TO STATE A CLAIM</i> by Plaintiffs Frank Barber, Garland Edmonds, Cassandra Jackson . (Attachments: # <u>1</u> Exhibit 1: Op. and Order, Arroyo v. Express Courier Intl., Inc., No. 4:18-cv-10 (S.D. Tex. June 18, 2018), ECF No. 24)(West, Joshua) (Entered: 06/19/2018)
07/31/2018	<u>24</u>	NOTICE of Supplemental Authority re <u>19</u> MOTION to Dismiss Case <i>FOR FAILURE TO STATE A CLAIM</i> by Plaintiffs Frank Barber, Garland Edmonds, Cassandra Jackson . (Attachments: # <u>1</u> Exhibit 1: Op. and Order, Allen v. Express Courier Int'l., Inc., No. 3:18-cv-28-MOC-DSC (W.D. N.C. July 25, 2018), ECF No. 25)(West, Joshua) (Entered: 07/31/2018)
08/01/2018	<u>25</u>	ORDER DENYING TRANSFER regarding multidistrict litigation by Clerk of the Panel. IT IS THEREFORE ORDERED that the motion for centralization of this action is denied. See Order for details. (DLB) (Entered: 08/02/2018)
08/02/2018	<u>26</u>	NOTICE of Supplemental Authority re <u>19</u> MOTION to Dismiss Case <i>FOR FAILURE TO STATE A CLAIM</i> by Defendants EMP LSO Holding Corporation, Express Courier International, Inc. . (Attachments: # <u>1</u> Exhibit A – Order re: Ryte v. Express Courier International)(Butcher, Andrew) (Entered: 08/02/2018)
10/10/2018	<u>27</u>	NOTICE of Supplemental Authority re <u>19</u> MOTION to Dismiss Case <i>FOR FAILURE TO STATE A CLAIM</i> by Defendants EMP LSO Holding Corporation, Express Courier International, Inc. . (Attachments: # <u>1</u> Exhibit A – Bascomb v. Express Courier International, Inc. Order)(Butcher, Andrew) (Entered: 10/10/2018)
10/19/2018	<u>28</u>	NOTICE of Supplemental Authority re <u>19</u> MOTION to Dismiss Case <i>FOR FAILURE TO STATE A CLAIM</i> by Defendants EMP LSO Holding Corporation, Express Courier International, Inc. . (Attachments: # <u>1</u> Exhibit A–Marshall v. Express Courier Order Granting Motion to Dismiss)(Butcher, Andrew) (Entered: 10/19/2018)
12/18/2018	<u>29</u>	Joint MOTION to Stay by Defendants EMP LSO Holding Corporation, Express Courier International, Inc.. (Quillen, Emily) (Entered: 12/18/2018)
12/19/2018	<u>30</u>	ORDER: IT IS HEREBY ORDERED that the parties Joint Motion to Stay (Doc. No. <u>29</u>) is GRANTED. IT IS FURTHER ORDERED that, on or before March 14, 2019, the parties shall file a

joint status report with the Court regarding the outcome of the mediation. Signed by District Judge John A. Ross on 12/19/18. (JAB) (Entered: 12/19/2018)

03/14/2019	<u>31</u>	STATUS REPORT (<i>JOINT</i>) re: <i>Settlement and Request to Hold Deadlines in Abeyance</i> by Frank Barber, Garland Edmonds, Cassandra Jackson. (West, Joshua) (Entered: 03/14/2019)
03/14/2019	<u>32</u>	ORDER: IT IS HEREBY ORDERED that this matter shall remain STAYED, and all pending deadlines shall be held in abeyance. IT IS FURTHER ORDERED that Defendants Express Courier International, Inc. and EMP LSO Holding Corporation's motion to dismiss (Doc. No. <u>19</u>) is DENIED without prejudice. IT IS FURTHER ORDERED that the parties shall file an updated joint report with the Court regarding the status of finalizing settlement on or before June 12, 2019. Signed by District Judge John A. Ross on 3/14/2019. (CLO) (Entered: 03/15/2019)
05/21/2019	<u>I</u>	NOTICE: IF YOU HAVE ALREADY UPGRADED YOUR PACER ACCOUNT YOU CAN DISREGARD THIS NOTICE. IF YOU DO NOT UPGRADE YOU WILL NOT BE ABLE TO FILE IN THE SYSTEM AFTER MAY 31, 2019. PLEASE UPGRADE IMMEDIATELY. If you are using a shared account to file cases, you will need to create an individual account; instructions can be found at: https://www.moed.uscourts.gov/sites/moed/files/Register-for-New-PACER-account.pdf . If you already have an individual account, it will need to be upgraded; instructions can be found https://www.moed.uscourts.gov/sites/moed/files/Upgrade-Current-PACER-Account.pdf . If you need further assistance contact the MOED CM/ECF Help Desk at 314-244-7650 or moedml_cmecf_help@moed.uscourts.gov . (CSAW) (Entered: 05/21/2019)
06/13/2019	<u>33</u>	STATUS REPORT (<i>JOINT</i>) by Frank Barber, Garland Edmonds, Cassandra Jackson. (West, Joshua) (Entered: 06/13/2019)
06/17/2019	<u>34</u>	ORDER: IT IS HEREBY ORDERED that this matter shall remain STAYED, and all pending deadlines shall be held in abeyance. IT IS FURTHER ORDERED that the parties shall file an updated joint report with the Court regarding the status of finalizing settlement on or before August 16, 2019. Signed by District Judge John A. Ross on 6/17/2019. (CLO) (Entered: 06/17/2019)
08/16/2019	<u>35</u>	STATUS REPORT (<i>Joint</i>) by Frank Barber, Garland Edmonds, Cassandra Jackson. (West, Joshua) (Entered: 08/16/2019)
08/19/2019	<u>36</u>	ORDER: IT IS HEREBY ORDERED that this matter shall remain STAYED, and all pending deadlines shall be held in abeyance. IT IS FURTHER ORDERED that the parties shall file an updated joint report with the Court regarding the status of finalizing settlement on or before October 18, 2019. Signed by District Judge John A. Ross on 8/19/19. (JAB) (Entered: 08/19/2019)
10/16/2019	<u>37</u>	STATUS REPORT (<i>Joint</i>) by Frank Barber. (West, Joshua) (Entered: 10/16/2019)
10/16/2019	<u>38</u>	ORDER: IT IS HEREBY ORDERED that this matter shall remain STAYED, and all pending deadlines shall be held in abeyance. IT IS FURTHER ORDERED that the parties shall file an updated joint report with the Court regarding the status of finalizing settlement on or before April 16, 2020. Signed by District Judge John A. Ross on 10/16/19. (JAB) (Entered: 10/16/2019)
01/16/2020	<u>39</u>	Joint MOTION to Transfer Case to <i>Finalize Settlement</i> to Southern District of Texas, Houston Division by Plaintiff Frank Barber. (Attachments: # <u>1</u> Text of Proposed Order Granting Motion to Transfer)(West, Joshua) (Entered: 01/16/2020)
01/21/2020	<u>40</u>	ORDER: IT IS HEREBY ORDERED that the joint motion to transfer venue is GRANTED. (Doc. No. <u>39</u>). IT IS FURTHER ORDERED that this action shall be transferred immediately to the United States District Court for the Southern District of Texas, Houston Division, for purposes of finalizing the settlement in the case. Signed by District Judge John A. Ross on 1/21/2020. (CLO) (Entered: 01/23/2020)